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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/667,989   | 09/22/2003  | Denis Jolivet        | 481062.408C1            | 1946                   |
| 35243 7590 11/01/2007<br>SEED INTELLECTUAL PROPERTY LAW GROUP PLLC<br>701 FIFTH AVENUE, SUITE 5400<br>SEATTLE, WA 98104-7092 |             |                      | EXAMINER<br>PHAN, JAMES |                        |
|  |             |                      | ART UNIT<br>2872        | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>11/01/2007 | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/667,989

Applicant(s)

JOLIVET, DENIS

Examiner

James Phan

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/8/07 and the decision mailed 9/13/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,21-23,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,21,22,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 6-11 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The indicated allowability of claims 1,4-5, 21-22 and 26-27 is withdrawn for the following reasons. The examiner apologizes for any inconvenience that might have caused.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21 and 26-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Either claim 21 is misdescriptive or the elected species disclosed in the embodiment depicted in Fig 5 fails to provide support for "at least one of the secondary reflector is adapted to oscillate" recited in claim 21, last line. As shown in Fig. 5 "the secondary reflectors" (14) are fixed reflectors (see amendment filed 9/22/03). Although the specification discloses "the fixed reflector(s) may be configured to be adjustable with respect to their distance from the first reflector" (specification, page 7, lines 12-13), the specification also defines "a fixed reflector is one

that is not driven to oscillate, vibrate or ..." (page 7, lines 10-12). Claims 26-27 are dependent on claim 21 and thus rejected at least for the same reason.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Goshima et al.

In regard to claims 1 and 5, Goshima et al discloses an apparatus for generating an angular sweep of a directed propagation of electromagnetic radiation, comprising:

a first reflector (polygon mirror 3) adapted to move over a first angular range of movement; and a first and a second fixed reflector (mirrors 6) to reflect the directed propagation of electromagnetic radiation incident upon and reflected by the first reflector onto the fixed reflectors (6) and back to the first reflector (mirror 3); the first fixed reflector (6) is contiguous with the second fixed reflector (6) and the first fixed reflector is angled with respect to the second fixed reflector; wherein the first angular range of movement of the first reflector creates an increasing sweep of the directed propagation of electromagnetic radiation with each reflection from the first reflector (see the first

increasing sweep shown by light beams 7, 9 and 8, and the second increasing sweep shown by light beams 15, 16 and 17 in Figs. 1-2).

In regard to claims 4 and 22, see column 4, lines 63-67.

### ***Claim Objections***

Claim 23 is objected to because of the following informalities: in claim 23, lines 1-2, "at least one reflector" should be changed to --said at least one of the fixed reflectors--. Appropriate correction is required.

### ***Allowable Subject Matter***

Claims 6-11 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art teaches the claimed combination defined in each of claims 6-11 and 23.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (571) 272-2317. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen B. Stephone can be reached on (571) 272-2312. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Phan/  
James Phan  
Primary Examiner  
Art Unit 2872

JP  
October 2007